

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

VIVIAN WRIGHT-BOLTON,

Case No. 2:14-cv-01612-APG-PAL

Plaintiff,

V.

KOCKA & BOLTON, LLC,

ORDER

Defendant.

This matter is before the court on the parties' failure to comply with this court's Order (ECF No. 63) to file a proposed stipulation to dismiss without prejudice. The court held a hearing on December 12, 2017. At that hearing, counsel for plaintiff indicated that given the Ninth Circuit's recent decision there was no viable federal claim. Both sides advised that they believed any remaining claims should be heard in the Eighth Judicial District Court. As this case was filed in federal court rather than removed the parties agreed that the court could not simply remand the case and that it would need to be refiled in state court. The court therefore gave the parties until **December 19, 2017** to file the stipulation to dismiss.

20 The court appreciates that the holidays and the tragic, untimely death of Mr. Potter may
21 explain why this matter has not been addressed to date. However, this is an old case on the court's
22 docket and there may be time constraints with refiling in state court. Accordingly,

23 **IT IS ORDERED** the parties shall have until **January 16, 2018** to file the stipulation to
24 dismiss.

DATED this 4th day of January, 2018.

Peggy A. Teer
PEGGY A. TEER
UNITED STATES MAGISTRATE JUDGE